

April 1 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. _____

Jock B. West
West Law Firm, P.C.
Attorney for Appellant
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Billings, MT 59101
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FILED

APR 01 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

FISCUS REALTY, INC.,

Appellant,

vs.

FREDERICK HARMON AND
MADELENA HARMON,

Appellees.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Fiscus Realty Inc., the Appellant above named and who is the Defendant in that cause of action filed in Thirteenth Judicial District Court, in and for the County of Yellowstone, as Cause No. DV 08-0946, hereby appeals to the Supreme Court of the State of Montana from the final order entered in said action on the 3rd day of March 2010, which constituted a post trial motion asking the District Court to reconsider its denial of attorney fees to the prevailing party arising under the Montana Unfair Trade Practice Act.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M.R. App.P.7. The money judgment being sought is not less than \$5,000.00.
2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b) in that a final judgment was entered by the District Court and the Appellant herein filed its

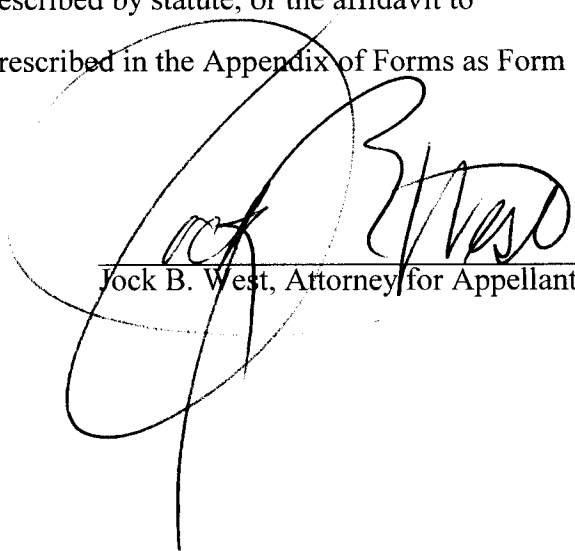
1 post judgment motion.

2 3. That the notice required by M.R. App.P. 27 will not be given, within 11 days of the
3 date hereof, to the Supreme Court and to the Montana Attorney General. There is no challenge
4 with respect to a challenge to the constitutionality of any act of the Montana Legislature.

5 4. That all available transcripts of the proceedings in this cause have been ordered from
6 the court reporter contemporaneously with the filing of this notice of appeal. If all available
7 transcripts have not been ordered, that Appellant has complied with the provisions of
8 M.R.App.P. 8(3) contemporaneously with the filing of this notice of appeal.

9 5. That included herewith is the filing fee prescribed by statute, or the affidavit to
10 proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form
11 3.

12 DATED this 30th day of March 3010.

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14 Jock B. West, Attorney for Appellant
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CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court Action, as follows:

Clerk of the Thirteenth Judicial District Court
217 North 27th Street
P.O. Box 35030
Billings, MT 59103

Benjamin J. LaBeau
LaBeau Law Firm
1645 Avenue D, Suite B
Billings, MT 59102

Calvin J. Stacey
Stacey & Funyak
P.O. Box 1139
Billings, MT 59103

DATED this 31st day of March, 2010.

By: 
For West Law Firm, P.C.